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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,221	03/06/2000	Chaitanya Kanojia	2657.2001005	7967
21005	7590	06/16/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 06/16/2004				

/8

Please find below and/or attached an Office communication concerning this application or proceeding.

RPL

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/519,221	KANOJIA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	George C Neurauter, Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-7 and 9-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. Claims 1, 8, and 17-18 have been canceled. Claims 2-7 and 9-16 are pending and have been examined.

***Response to Arguments***

Applicant's arguments filed 22 April 2004 have been fully considered but they are not persuasive.

The Applicant argues that Britt does not disclose "transmitting a message directly to the destination address of the embedded device over the data network regardless of whether the embedded devices are active on the data network". The Examiner maintains that this limitation is disclosed in Britt [column 5, lines 17-33, specifically line 27 regarding "email"; column 5, lines 16-26, specifically lines 22-26 regarding "e-mail"]. The Examiner notes that an email message is transmitted directly to a destination address in the sense that it is the final destination, regardless of whether the address is resolved by a name resolution means since it does not affect where the message is transmitted. A sender of an email message does not know if a recipient's embedded device is actively connected to a network or not when the email message is sent. Therefore, Britt does disclose these limitations.

The arguments regarding the limitation "unique identifier" are rendered moot in view of the rejection made below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-7 and 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 10 recite the limitations "...each of the messages being addressed to one of the plural embedded devices with a unique identifier, the unique identifier being independent of any communication protocol...for each message... determining a destination address according to a communication protocol that corresponds to the unique identifier of the embedded device..."

The claims are indefinite as to whether the unique identifier has a corresponding communication protocol or is independent of any communication protocol.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-7 and 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Britt et al. [US Patent 5 940 074 A].

Regarding claim 2, Britt discloses a message router system as recited in Claim 3, further comprising a system manager that tracks activity states of embedded devices on

the data network and to determine whether the embedded devices are able to receive messages. [column 8, lines 34-42]

Regarding claim 3, Britt discloses a message router system for a server system that communicates with embedded devices over a data network, the router system comprising: a router coupled to a message store; a queue manager queuing message from one or more server processes that are destined for plural embedded devices, each of the messages being addressed to one of the plural embedded devices with a unique identifier, the unique identifier being independent of any communication protocol; the queue manager establishing a connection with the router and transferring the queued messages to the router; for each message, the router determining a destination address according to a communication protocol that corresponds to the unique identifier of the embedded device; for each message, the router transmitting the message directly to the destination address of the embedded device over the data network regardless of whether the embedded device is active on the data network; the router waiting for acknowledgements of the messages from the embedded devices; and the router storing unacknowledged messages in the message store corresponding ones of the plural embedded devices can accept the unacknowledged messages. [column 4, lines 17-33, specifically line 27 regarding "e-mail"; column 5, lines 16-26, specifically lines 22-26 regarding "e-mail"; column 8, line 13-column 9, line 34, specifically column 8, lines 34-42]

Regarding claim 4, Britt discloses a message router system as recited in Claim 3, wherein the router retrieves one or more of the unacknowledged messages from the

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message store when the system manager indicates that an embedded device to which the one or more unacknowledged messages are addressed is able to accept the one or more unacknowledged messages. [column 8, lines 34-42]

Regarding claim 5, Britt discloses a message router system as recited in Claim 3, further comprising a bulk data transfer manager for transferring bulk data between the server system and the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 6, Britt discloses a message router system as recited in Claim 5, wherein the bulk data are transferred to the embedded devices by the router sending the embedded devices a message to download a file and a location of the file, the embedded devices contacting the bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 7, Britt discloses a message router system as recited in Claim 6, wherein the embedded devices directly contact the bulk data transfer manager to obtain the file without sending a message via the router. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 9, Britt discloses a method as recited in Claim 10, further comprising tracking activity states of embedded devices on the data network and to determine whether the embedded devices are able to receive messages. [column 8, lines 34-42]

Regarding claim 10, Britt discloses a method for routing messages from a server system to embedded devices over a data network, the method comprising:

queueing messages from one or more server processes that destined for plural embedded devices, each of the messages being addressed to one of the plural embedded devices with a unique identifier being independent of any communication protocol; for each message, determining a destination address according to a communication protocol that corresponds to the unique identifier of the embedded device; for each message, determining a destination address according to a communication protocol that corresponds to the unique identifier of the embedded device; for each message, transmitting the message directly to the destination address of the embedded device over the data network regardless of whether the embedded device is active on the data network; waiting for acknowledgements of the messages from the embedded devices; and storing unacknowledged messages in the message store corresponding ones of the plural embedded devices can accept the unacknowledged messages. [column 4, lines 17-33, specifically line 27 regarding “e-mail”; column 5, lines 16-26, specifically lines 22-26 regarding “e-mail”; column 8, line 13-column 9, line 34, specifically column 8, lines 34-42]

Regarding claim 11, Britt discloses a method as recited in Claim 10, further comprising detecting whether a previously unavailable embedded device is available to receive messages; and retrieving stored messages for the embedded device and transferring the messages to the embedded device. [column 8, lines 34-42]

Regarding claim 12, Britt discloses a method as recited in Claim 10, further comprising transferring bulk data from the server system to the embedded devices. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 13, Britt discloses a method as recited in Claim 12, wherein the step of transferring the bulk data comprises: sending the embedded devices a message to download a file and a location of the file; and the embedded devices contacting a bulk data transfer manager to obtain the file. [column 8, lines 34-42; column 9, lines 1-28, specifically lines 4-14]

Regarding claim 14, Britt discloses a method as recited in Claim 13, further comprising the embedded devices directly contacting the bulk data transfer manager to obtain the file. [column 9, lines 1-28, specifically lines 4-14]

Regarding claim 15, Britt discloses the message router system as recited in Claim 3, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

Regarding claim 16, Britt discloses the message router system as recited in Claim 10, wherein the messages are control messages directing the embedded devices to download, install, or activate content. [column 8, lines 34-42]

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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